



May 5, 2021

**Via electronic filing**

Direct Phone Number: 512.867.8476

Direct Fax Number: 512.867.8609

[laura.prather@haynesboone.com](mailto:laura.prather@haynesboone.com)

U.S. Magistrate Judge John. A. Kazen  
United States District Court  
Southern District of Texas  
1300 Victoria St.  
Ste. 2317, Courtroom 2C  
Laredo, Texas 78040

Re: *Kuykendall v. Amazon Studios, et al.*, Case No. 5:20-cv-00219 (S.D. Tex.).

Dear Magistrate Kazen:

On March 8, 2021, Defendants Hector Berrellez, John Massaria, Tiller Russell, and IPC Television, LLC filed their Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2) or, in the Alternative, to Transfer Venue (the “Motion to Dismiss”) (ECF No. 38). On April 8, 2021, Plaintiff filed his response in opposition to the Motion to Dismiss (ECF No. 53), and moving Defendants filed their reply on April 22, 2021 (ECF No. 60).

With the filing of Defendants’ reply, briefing on the Motion to Dismiss was completed. *See* L.R. 7.4. Nevertheless, on April 30, 2021, Plaintiff filed an additional document in further opposition to Defendants’ Motion to Dismiss. (*See* Dkt. 62.) This document, styled as a “Notice of Correction” but in the nature of a surreply includes additional factual allegations and additional declarations and evidence to further supplement Plaintiff’s argument in the Response to the Motion to Dismiss.

Plaintiff did not seek leave to file a surreply, nor would such leave be warranted in this instance. Accordingly, Defendants object to Plaintiff’s unauthorized filing. Defendants believe that the filing should be struck, or in the alternative, that Defendants should be provided an opportunity to respond to the additional arguments and allegations in the “Notice of Correction.” Defendants respectfully request that this matter be addressed during the upcoming pretrial conference, currently set for May 11, 2021 at 11:00 a.m.

**Haynes and Boone, LLP**  
**Attorneys and Counselors**  
600 Congress Avenue  
Suite 1300  
Austin, Texas 78701  
T (512) 867-8400  
F (512) 867-8470  
[www.haynesboone.com](http://www.haynesboone.com)

Respectfully yours,

Laura Lee Prather  
Partner

cc: Farzin Franklin Amanat  
Dicello Levitt Gutzler LLC  
444 Madison Ave., 4th Floor  
New York, NY 10022  
famanat@dicellolevitt.com  
Lead counsel for Plaintiff